

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CHARLES ADRIAN SULLIVAN
100 Braddock Street, #103
Frostburg, MD 21532

Registered Nurse License No. 452190

Respondent

Case No. 2012-398

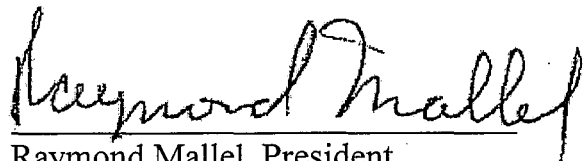
OAH No. 2012020267

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **October 29, 2012.**

IT IS SO ORDERED **October 29, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE LACHMAN
Supervising Deputy Attorney General
3 STERLING A. SMITH
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-398

13 **CHARLES ADRIAN SULLIVAN**
100 Braddock Street, #103
14 Frostburg, MD 21532
Registered Nurse License No. 452190

OAH No. 2012020267

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Respondent.

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding that the following matters are true:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
20 Registered Nursing. She brought this action solely in her official capacity and is represented in
21 this matter by Kamala D. Harris, Attorney General of the State of California, by Sterling A.
22 Smith, Deputy Attorney General.

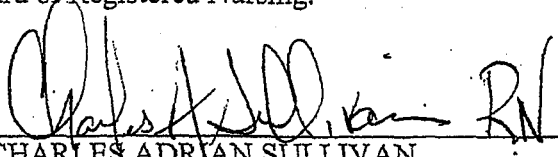
23 2. Charles Adrian Sullivan (Respondent) is representing himself in this proceeding and
24 has chosen not to exercise his right to be represented by counsel.

25 3. On or about March 31, 1990, the Board of Registered Nursing issued Registered
26 Nurse License No. 452190 to Charles Adrian Sullivan (Respondent). The Registered Nurse
27 License expired on March 31, 2012, and has not been renewed.
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1 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
2 be bound by the Decision and Order of the Board of Registered Nursing.

3
4 DATED: 8/20/12


5 CHARLES ADRIAN SULLIVAN
6 Respondent

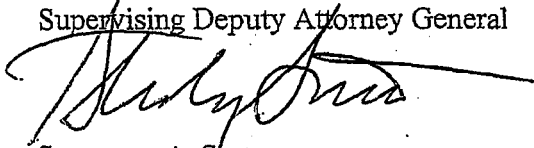
7 ENDORSEMENT

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

10 Dated: 8/24/2012

Respectfully submitted,

11 KAMALA D. HARRIS
12 Attorney General of California
13 JANICE LACHMAN
14 Supervising Deputy Attorney General


15 STERLING A. SMITH
16 Deputy Attorney General
17 Attorneys for Complainant

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19 Stipulation.rtf
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1 Registered Nursing may communicate directly with the Board regarding this stipulation and
2 surrender, without notice to or participation by Respondent. By signing the stipulation,
3 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
4 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
5 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of
6 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
7 the parties, and the Board shall not be disqualified from further action by having considered this
8 matter.

9 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
10 License and Order, including facsimile signatures thereto, shall have the same force and effect as
11 the originals.

12 12. This Stipulated Surrender of License and Order is intended by the parties to be an
13 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
14 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
15 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
16 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
17 executed by an authorized representative of each of the parties.

18 13. In consideration of the foregoing admissions and stipulations, the parties agree that
19 the Board may, without further notice or formal proceeding, issue and enter the following Order:

20 **ORDER**

21 IT IS HEREBY ORDERED that Registered Nurse License No. 452190, issued to
22 Respondent: Charles Adrian Sullivan, is surrendered and accepted by the Board of Registered
23 Nursing.

24 1. The surrender of Respondent's Registered Nurse License and the acceptance of the
25 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
26 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
27 license history with the Board of Registered Nursing.

2. Respondent shall lose all rights and privileges as a registered nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his wall certificate and, if one was issued, his pocket license, on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2012-398 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If and when Respondent's license is reinstated, he shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$9,709.40. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2012-398 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this

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Exhibit A

Accusation No. 2012-398

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH
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4 State Bar No. 84287
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2012 - 398**

12 **CHARLES A. SULLIVAN,**
13 **aka CHARLES ADRIAN SULLIVAN**
14 **400 Grand Avenue**
Cumberland, MD 21502
Registered Nurse License No. 452190

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about March 31, 1990, the Board issued Registered Nurse License Number
23 452190 to Charles Adrian Sullivan, also known as Charles A. Sullivan ("Respondent").
24 Respondent's registered nurse license was in full force and effect at all times relevant to the
25 charges brought herein and will expire on March 31, 2012, unless renewed.

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1 8. California Code of Regulations, title 16, section 1444 states, in pertinent part:

2 A conviction or act shall be considered to be substantially related to the
3 qualifications, functions or duties of a registered nurse if to a substantial degree it
4 evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

5 (a) Assaultive or abusive conduct including, but not limited to, those
6 violations listed in subdivision (d) of Penal Code Section 11160 . . .

7 **COST RECOVERY**

8 9. Code section 125.3 provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 **CAUSE FOR DISCIPLINE**

13 **(Criminal Conviction: Voluntary Manslaughter)**

14 10. Respondent is subject to disciplinary action pursuant to Code sections 2761,
15 subdivision (f), and 490, subdivision (a), in that on or about September 11, 2001, in the criminal
16 proceeding titled *Commonwealth of Pennsylvania v. Charles Adrian Sullivan* (Ct. of Common
17 Pleas, Bedford County, 2001, Criminal Action No. 20 for 2001), Respondent was convicted by a
18 jury of voluntary manslaughter - provocation by victim, 18 Pa.C.S.A. § 2503, subdivision (a)(1),
19 and carrying a firearm without a license, 18 Pa.C.S.A. § 6106. On November 8, 2001,
20 Respondent was sentenced to a term of incarceration of not less than 5 years or more than 10
21 years on the voluntary manslaughter conviction.¹ Respondent was incarcerated in a Department
22 of Corrections facility from approximately January 18, 2002, to January 1, 2011. The
23 circumstances of the crime are set forth in paragraphs 11 and 12 below.

24 11. On or about January 1, 2001, the Pennsylvania State Police, Bedford Station, received
25 a call that a man had been shot in the Beans Cove area. Troopers were dispatched to the area and

26 ¹ The court ordered that this sentence would run consecutively with the 1 to 3 year term
27 imposed for the firearm offense. On February 6, 2002, the court ordered that the sentence on the
28 firearms conviction would run concurrently with the sentence imposed on the voluntary
manslaughter conviction.

1 arrived on scene on January 2, 2001, at 0032 hours. The troopers observed a 1987 Volvo
2 stationwagon on the east berm of State Route 3005. The vehicle was stuck in the snow. There
3 was a deceased male, later identified as Michael Terance McElfish ("McElfish"), seated in the
4 right front passenger seat. McElfish had an apparent gunshot wound to his face. A 30-30 lever
5 action rifle and single action .357 magnum revolver were lying on the rear passenger seat as well
6 as a spotlight. There was also a spent and live 30-30 rifle casing lying to the left rear of the
7 vehicle. The troopers discovered Respondent at the scene. Respondent had blood spatter on his
8 right hand and the right arm and shoulder of his coat. The troopers advised Respondent of his
9 Miranda rights, and he agreed to waive his rights and answer questions.

10 12. On January 2, 2001, at 0305 hours, Respondent related the following in an audiotaped
11 interview: Respondent had known McElfish for 4 days and had gone with him to a bar located in
12 Cumberland. Respondent and McElfish then traveled into Pennsylvania with the intentions of
13 shooting a deer using a spotlight. Respondent had his rifle and revolver with him in the vehicle.
14 Respondent was driving and McElfish was in the right front passenger seat. McElfish became
15 agitated and began to kick and punch the dash, doors, and sunroof. McElfish then started to trash
16 the vehicle by hitting the roof and kicking the dash and windows. Respondent stopped the
17 vehicle 2 miles south of the scene. He shot two rounds from his rifle over the top of the vehicle
18 and ordered McElfish out of the car. McElfish continued to kick the vehicle. Respondent emptied
19 the rounds out of his rifle and threw it in the back seat, then started driving again. McElfish
20 ordered Respondent to turn the lights off on the vehicle. Respondent then drove off of the road
21 and his vehicle became stuck on the embankment. Respondent exited the vehicle and demanded
22 that McElfish leave his vehicle. McElfish would not get out of the vehicle. Respondent then
23 obtained the .357 magnum from the back seat. McElfish asked Respondent if he was going to
24 shoot him. Respondent told McElfish that he did not want to shoot him, but if he was going to do
25 so, he would have shot him back there a mile or two. Respondent knew that the gun was loaded.
26 McElfish then asked Respondent to shoot him. Respondent told McElfish that he was not going
27 to shoot him, but just wanted him to get out of his car. McElfish then took the barrel of the
28 revolver, pulled it towards him, and it fired. Respondent was asked when he cocked the gun.

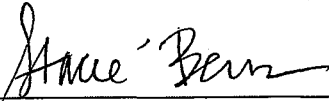
1 Respondent stated that "On a single action, it's when you present it." Respondent also stated that
2 he was unsure if he pulled the hammer back and that the revolver was in his right hand.
3 Respondent stated that the muzzle of the revolver was an arm's reach away when the gun went
4 off, that he was attempting to sit down when the gun went off, and that McElfish gave no reason
5 why he wanted to kill himself. Respondent was asked if McElfish had assaulted him.
6 Respondent stated that McElfish had come across the car and hit him on the side of the shoulder,
7 head, and neck. Respondent was not observed to have any injuries to his arms, neck, or hands.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 452190, issued to Charles
12 A. Sullivan, also known as Charles Adrian Sullivan;
13 2. Ordering Charles A. Sullivan, also known as Charles Adrian Sullivan, to pay the
14 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
15 case, pursuant to Business and Professions Code section 125.3;
16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: December 27, 2011


19 for LOUISE R. BAILEY, M.ED., RN
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant
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